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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 00-6022-CIV-LENARD
Magistrate Judge Turnoff

HENRY NARANJO and
MARLENE RAMIREZ,

Plaintiffs,

v.

STEPHEN BYRON SMITH, and
PALMER JOHNSON, INC.,

Defendants.

PALMER JOHNSON, INC.,

Third Party Plaintiff,

v.

TOM FEXAS YACHT DESIGN, INC.,

Defendant.

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CLERK OF DISTRICT
CLERK OF FLA - HIA

**MOTION TO STRIKE PLAINTIFF'S
AMENDED EXPERT WITNESS DISCLOSURE**

COMES NOW, the Defendant, PALMER JOHNSON, INC., by and through its undersigned attorneys, and files this its Motion to Strike Plaintiff's Amended Expert Witness Disclosure and in support thereof, states as follows:

1. That on or about August 17, 2001, the Plaintiff's filed an Amended Expert Witness Disclosure and added two physicians, Dr. Robert DeMeo, a pain management specialist, and Dr. Stuart B. Kroft, a physiatrist.

2. However, these doctors had not yet been previously disclosed through discovery, and in lieu of the fact that the discovery cut off is August 31, 2001, pursuant to

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the Courts most recent Order, the Defendant would be prejudiced with the inclusion of Drs. DeMeo and Kroft as experts. (A Motion to Extend the Expert Discovery Deadlines was filed August 30, 2001, and to the knowledge of this Defendant has not yet been ruled upon).

3. Therefore, because of the late notice of the presence of Drs. DeMeo and Kroft in this claim, these physicians should be stricken from the Expert Witness List.

WHEREFORE the Defendant, PALMER JOHNSON, INC., respectfully request that this Court enter an order granting this Motion and striking these two physicians from the Plaintiff's Expert Witness List.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing motion has been furnished by mail this 7th day of September, 2001 to: **Manuel Valdes, Esquire**, Law Offices of Manuel Valdes, Attorneys for Plaintiffs, 910 Madrid Street, Coral Gables, Florida 33134; **F. David Famulari, Esquire**, Co-Counsel for Plaintiffs, Blanck & Perry, P.A., 5730 SW 74th St., Suite 700, Miami, FL 33143; **John D. Kallen, Esquire**, Badiak, Will & Kallen, Attorneys for Stephen Byron Smith, 17071 West Dixie Highway, North Miami Beach, Florida 33160; **Joseph L. Mannikko, Esquire**, Mannikko & Baris, P.A., 870 SW Martin Downs Blvd., Suite 1, Palm City, Florida 34990, and **David L. Weber, Esquire**, Pinkert Law Firm LLP, 454 Kentucky Street, P.O. Box 89, Sturgeon Bay, WI 54235-0089.

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